THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22419 of 2007

Dated: 25.10.2007

Between:

Shaik Pyariejan

... Petitioner

AND

State of Andhra Pradesh, rep., by its
Principal Secretary to Municipal Administration
Department, Secretariat, Saifabad,
Hyderabad and another.

... Respondents

Counsel for the petitioner : Sri Nimmagadda Satyanarayana

Counsel for respondent No.2 : Sri S. Nageswara Reddy
Standing Counsel

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22419 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to quash the notice dated 22.09.2007 issued by respondent No.2 - Municipality.

Heard Sri Nimmagadda Satyanarayana, learned counsel for the petitioner and Sri S. Nageswara Reddy, learned Standing Counsel representing respondent No.2 – Municipality.

The only grievance of the petitioner, as projected by the learned counsel appearing for him, is that respondent No.2 before issuing the impugned order has not issued any notice and given an opportunity to him against shifting of his cool drinks godown. Learned counsel asserted that the godown is situated in a commercial area and therefore the petitioner is entitled to carry on his activity at the place where the godown is situated.

Learned Standing Counsel fairly stated that no notice has been issued before passing the impugned order.

A perusal of the impugned proceedings show that though it is termed as a notice, in fact, it is in the nature of an order directing the petitioner to shift his cool drinks godown from the existing premises. Since the principles of natural justice require that the petitioner is entitled to a notice before mandating him to shift his godown, the writ petition is disposed of with the direction that the impugned proceedings shall be treated as a notice and the petitioner shall file his objections within two weeks from today.

Respondent No.2 shall objectively consider the objections filed, if any, by the petitioner and dispose of the same by passing a reasoned order. Till this exercise is completed, no coercive action shall be taken against the petitioner in pursuance of the impugned proceedings. No order as to costs.

As a sequel to disposal of the writ petition, WPMP.No.29121 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

Date: 25.10.2007

Note: Issue C.C. in three days.

B/o.

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